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JENNER & BLOCK

Jenner & Block LLP
1099 New York Avenue, NW
Suite 900
Washington, DC 20001
Tel 202-639-6000
www.jenner.com

Chicago
Los Angeles
New York
Washington, DC

May 10, 2012

VIA E-MAIL (Nathan.NYS.DC.chambers@nysd.uscourts.gov)

MEMO ENDORSED

The Honorable Alison J. Nathan
United States District Judge
Southern District of New York
500 Pearl Street, Room 615
New York, NY 10007

Scott B. Wilkens
Tel 202 639-6072
Fax 202 661-4832
swilkens@jenner.com

Re: ABC v. Aereo, 12-Civ-1540-AJN, and WNET v. Aereo, 12-Civ-1543-AJN

Dear Judge Nathan:

I write on behalf of all parties in the above referenced actions regarding (1) the schedule for the pre-hearing conference and (2) the schedule for submission of the opposition and reply pre-hearing briefs on the WNET Plaintiffs' unfair competition claim.

Pre-Hearing Conference

The parties have conferred regarding the Court's request to move the conference from May 17, 2012, to the week of May 21, 2012. The Plaintiffs propose May 24, 2012 at 2 p.m. as the date and time for the pre-hearing conference, and Aereo does not oppose that date. Because that date is only six days before the hearing, Aereo also requests, and Plaintiffs do not oppose, scheduling a 30-minute telephonic conference on May 17 at 4 p.m. to discuss with the Court the parties' preliminary views on how the hearing should proceed.

Pre-Hearing Opposition and Reply Briefs on WNET Plaintiffs' Unfair Competition Claim

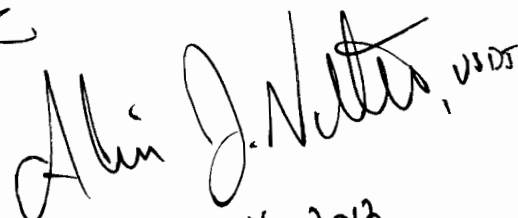
WNET Plaintiffs and Aereo have agreed as follows: Aereo will serve (but not file) its opposition brief on unfair competition, without supporting declarations, by noon on May 17, 2012. Aereo will then file and serve all of its opposition papers on unfair competition by May 18, 2012, the date that Aereo's opposition papers are due on the plaintiffs' copyright claims under the Court's May 7, 2012 scheduling order. WNET Plaintiffs will file their reply papers on unfair competition by 2 p.m. on May 23, 2012, when the plaintiffs' reply papers on their copyright claims are due under the Court's scheduling order.

Respectfully submitted,


Scott B. Wilkens

SO ORDERED.

cc: Counsel of Record


May 11, 2012